

REMARKS

The above-identified application is United States application serial number 10/633,272 filed on July 31, 2003. Claims 1-27 are pending in the application. Claims 6-13 have been canceled. Claims 1-6 and 14-27 are rejected. Applicant respectfully traverses these rejections.

Claim Objections

Claims 2, 15, 20, and 25 are objected to. In response, Applicant has amended the claims to change the phrase "to from" to --to form--. Removal of the objection is respectfully requested.

Changes to the Specification

In accordance with the correction to Claims 2, 15, 20, and 25 to remove the above-stated objection by the Examiner, paragraphs [0016] and [0018] of the Specification have been amended to correct the word "from" to --form--. No new matter has been added.

Rejection of Claims under 35 U.S.C. §112

Claims 24-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, applicant has amended Claim 24 to clarify that a portion of the pleat at the bottom section is capable of expanding more than a portion of the pleat at the top section. Removal of the rejection of Claims 24-27 under 35 U.S.C. 112 is respectfully requested.

Rejection of Claims under 35 U.S.C. §102

Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Avery *et al.* (US 6,823,867) (hereinafter "Avery").

Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson *et al.* (US 3,934,631) (hereinafter "Wilson").

Claims 1-5, 14-16, 18-21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Cipy *et al.* (US 5,743,460) (hereinafter "Cipy").

Claims 1-5, 14-16, 18-21, and 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sica (US 4,079,871) (hereinafter "Sica").

Independent Claim 1 recites "a back panel having at least one pleat, a first section, and a second section wherein said second section is capable of expanding more than said first section, and said at least one pleat forms an inverted "V" shape; and a front panel connected to said back panel to form a cavity adjacent to said second section". In contrast, the pleats in Avery, Wilson, Cappy, and Sica do not form an inverted V shape. In paragraph 10 of the Office Action, the Examiner states that it would have been obvious in Cappy to relocate the upper ends of the pleats closer together to form an inverted V shape. It is not clear to Applicant which features in Cappy are considered "upper ends" by the Examiner, or how relocating the upper ends of the pleats would form an inverted V-shape. Further clarification is requested. Additionally, since the construction suggested by the Examiner is not disclosed or suggested by any of the cited references, citations to references teaching such construction and/or suggesting such a combination with the device disclosed in Cappy are requested. MPEP §2144.03.

Further, the front panels in Avery, Wilson, Cappy, and Sica form a cavity adjacent to the first and second sections, not just the second section as set forth in Claim 1. In particular, in Avery, Wilson, and Sica, the cavity spans the first and second sections. In Cappy, there are cavities adjacent to both the first and second sections, the cavity adjacent the first section being formed between the stitching and the edge (6) of the wrapper.

Claim 1 is distinguishable from Avery, Wilson, Cappy, and Sica for at least the foregoing reasons. Claims 2-5 depend from Claim 1 and include features that further distinguish them from the prior art. Allowance of Claims 1-5 is respectfully requested.

Independent Claim 14 recites "a back panel having ... a second section coupled to said first section". Independent Claim 19 recites "a back panel having a first section coupled to a second section". In contrast, the second sections of Avery, Wilson, Cappy, and Sica are not coupled to the first sections because the first and second sections are formed with one piece of material. The first and second sections are therefore integral to each other, not coupled to each other. Claims 14 and 19 are distinguishable from Avery, Wilson, Cappy, and Sica for at least the foregoing reasons.

Claims 15-18 depend from Claim 14 while Claims 20-23 depend from Claim 19 and include features that further distinguish them from the prior art. For example, dependent Claims 17 and 22 recite "wherein said first pleat and said second pleat form an inverted "V" shape." In contrast, the pleats in Avery, Wilson, Capy, and Sica do not form an inverted V shape. In paragraph 10 of the Office Action, the Examiner states that it would have been obvious in Capy to relocate the upper ends of the pleats closer together to form an inverted V shape. It is not clear to Applicant which features in Capy are considered "upper ends" by the Examiner, or how relocating the upper ends of the pleats would form an inverted V-shape. Further clarification is requested in the event Claims 17 and 22 are still not considered allowable. Additionally, since the construction suggested by the Examiner is not disclosed or suggested by any of the cited references, citations to references teaching such construction and/or suggesting such a combination with the device disclosed in Capy are requested. MPEP §2144.03.

Independent Claim 24 recites

"a back panel having a top section and a bottom section, the bottom section longer in length than the top section;
at least one pleat formed by said back panel; and
a front panel coupled to said bottom section to form a cavity, wherein a portion of the at least one pleat at said bottom section is capable of expanding more than a portion of the at least one pleat at said top section and wherein said back panel is formed from a single sheet of material, and the height of the front panel is less than the height of the back panel."

The amendment to Claim 24 is supported by at least paragraphs [0028]-[0030] in the Specification. In contrast, the front panels in Avery, Wilson, and Sica are the same height as the back panels. Capy does not disclose or suggest a portion of the at least one pleat at the bottom section that is capable of expanding more than a portion of the at least one pleat at the top section of the back panel. Claim 24 is distinguishable from the cited references for at least these reasons.

Claims 25-27 depend from Claim 24 and include features that further distinguish them from the prior art. Allowance of Claims 24-27 is respectfully requested.

New Claims

Claims 28-36 have been added to claim subject matter originally disclosed in the specification. In particular,

Claims 28 and 29 are supported by at least paragraphs [0013] and [0016] of the specification.

Claim 30 is supported by at least paragraphs [0014] and [0015] of the specification.

Claim 31 is supported by at least paragraph [0017] of the specification.

Claim 32 is supported by at least paragraph [0019] of the specification.

Claim 33 is supported by at least paragraph [0024] of the specification.

Claim 34 is supported by at least paragraph [0024] of the specification.

Claim 35 is supported by at least paragraphs [0028] through [0031] of the specification.

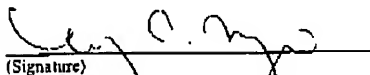
Claim 36 is supported by at least paragraphs [0028] through [0031] of the specification.

Examination of Claims 28-36 is respectfully requested.

CONCLUSION

The application, including Claims 1-5 and 14-27 is believed to be in condition for allowance and a notice to that effect is solicited. Examination of Claims 28-36 is respectfully requested. Should any issues remain that might be subject to resolution through a telephone interview, the examiner is requested to telephone the undersigned at (949) 251-0250.

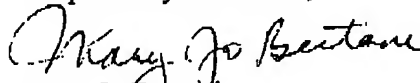
I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (571) 273-8300 on the date shown below:


(Signature)

Joy C. Ngo
(Printed Name of Person Signing Certificate)

May 2, 2006
(Date)

Respectfully submitted,


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